

RULE NISI
(SERVED IN ACCORDANCE WITH LSA R.S. 13:3201 ET SEQ.)

J. ROBERT WOOLEY ETC. ET AL
ET AL
(Plaintiff)

NUMBER C499737 Division D

19th JUDICIAL DISTRICT COURT

vs.

PARISH OF EAST BATON ROUGE

AMCARE HEALTH PLANS OF
LOUISIANA, INC. ET AL
(Defendant)

STATE OF LOUISIANA

(SERVED IN ACCORDANCE WITH LSA R.S. 13:3201)


TO: MEDIMPACT HEALTHCARE SYSTEMS, INC
THROUGH KENNETH N RUSSAK
725 S FIGUEROA STREET, STE. 2800
LOS ANGELES, CALIFORNIA 90017

The Mover in this case filed a **MOTION TO SET HEARING ON THE OBJECTIONS OF SCOTT WESTBROOK AND MEDIMPACT HEALTH CARE SYSTEMS, INC. TO THE RECEIVER'S RECOMMENDATION THAT THEIR CLAIMS BE DENIED AND DISALLOWED** which the Court granted. Certified copies of this document and the Court's Order are attached.

You **MUST** come to Court at **1:00 PM** on **FEBRUARY 6, 2012** in Room **10-A**, 300 North Boulevard, Baton Rouge, Louisiana, and show cause why:

***** **SEE ATTACHED ORDER** *****

This Rule was issued by the Clerk of Court for East Baton Rouge Parish on 18-JAN-2012.


Deputy Clerk of Court for
Doug Welborn, Clerk of Court

Requesting Attorney: **SUE BUSER**



NINETEENTH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

NUMBER: 499-737

DIVISION: D

J. ROBERT WOOLEY, AS
ACTING COMMISSIONER OF INSURANCE
FOR THE STATE OF LOUISIANA

VERSUS

AMCARE HEALTH PLANS OF LOUISIANA, INC.

FILED: _____

DEPUTY CLERK

Filed on Behalf of – State of Louisiana – State Pays No Court Costs
La. R.S. 13:4521

**MOTION TO SET HEARING ON THE OBJECTIONS OF SCOTT WESTBROOK AND
MEDIMPACT HEALTH CARE SYSTEMS, INC. TO THE RECEIVER'S
RECOMMENDATION THAT THEIR CLAIMS BE DENIED AND DISALLOWED**

NOW INTO COURT, through undersigned counsel comes, James J. Donelon,
Commissioner of Insurance for the State of Louisiana as Liquidator for AmCare Health Plans of
Louisiana, Inc. In Liquidation, through the Court-appointed Receiver, Michael Adams
("AmCare-LA"), who suggests to the Court that a hearing should be set in this matter to consider
the two remaining objections of Scott Westbrook and Med Impact Health Systems, Inc. to the
Receiver's Recommendation to the Court that these two claims should not be approved and
allowed, for the following:

1.

In June 2005, the AmCare-LA Receiver filed a Petition and Rule to Consider Report of Receiver
on Claims Against AmCare Health Plans of Louisiana, Inc. In Liquidation and Recommendations
to the Court on the Priority and Amounts of Allowance of Claims, a copy of the Petition is
attached hereto and incorporated herein as **Exhibit A**. The Receiver's report as to the written
objections to the allowed claims is attached hereto and incorporated herein as **Exhibit B**.

2.

Of the four objections filed, only two remain open, following a hearing on January 23, 2006,
which was continued by consent of the parties, which are the objection of Scott Westbrook to the
recommendation to disallow his claim, and the objection of MedImpact Healthcare Systems, Inc.

to the recommendation to disallow its claim, both of which are yet to be determined by the Court

3.

For the reasons explained in the Receiver's report as to the written objections of Scott Westbrook and Med Impact Healthcare Systems, Inc., the Receiver requests that the objections be set for hearing and thereafter the Court rule that the claims of Scott Westbrook and MedImpact Health Systems, Inc. be denied.

WHEREFORE, James J. Donelon, Commissioner of Insurance for the State of Louisiana as Liquidator for AmCare Health Plans of Louisiana, Inc. In Liquidation, through the Court-appointed Receiver, Michael Adams, prays that this Court set a hearing to consider the objections of Scott Westbrook and MedImpact Health Systems, Inc. to the Receiver's recommendation that their claims be denied and disallowed, and thereafter issue an order denying and disallowing their claims in this matter in their entirety, and for all other appropriate relief.

Respectfully submitted,

BURGLASS & TANKERSLEY, LLC



SUE BUSER (18151)

5213 Airline Drive

Metairie, Louisiana 70001-5602

Phone: (504) 836-2220

Telefax: (504) 836-2221

Attorneys for JAMES J. DONELON

Commissioner of Insurance for the State of Louisiana as
Liquidator of AmCare Health Plans of Louisiana, Inc.

10th JUDICIAL DISTRICT
EAST BATON ROUGE PARISH, LA.
FILED

2011 DEC 22 PM 1:12

CLERK OF COURT
EAST BATON ROUGE PARISH, LA.

BOUS VELDORN
CLERK OF COURT E.B.R. PARISH

CERTIFIED
TRUE COPY

JAN 18 2012

BY


DEPUTY CLERK

**EXHIBITS TO MOTION TO SET HEARING ON THE OBJECTIONS OF
SCOTT WESTBROOK AND MEDIMPACT HEALTH CARE SYSTEMS, INC.
TO THE RECEIVER'S RECOMMENDATION
THAT THEIR CLAIMS BE DENIED AND DISALLOWED**

- Exhibit A Petition and Rule to Consider Report of Receiver on Claims Against AmCare Health Plans of Louisiana, Inc. In Liquidation and Recommendations to the Court on the Priority and Amounts of Allowance of Claims
- Exhibit B AmCare Health Plans of Louisiana, Inc. In Liquidation Receiver's Report as to the Written Objections to the Allowed Claims

NINETEENTH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

NUMBER: 499-737

DIVISION: D

J. ROBERT WOOLEY, AS
ACTING COMMISSIONER OF INSURANCE
FOR THE STATE OF LOUISIANA

VERSUS

AMCARE HEALTH PLANS OF LOUISIANA, INC.

FILED: _____

DEPUTY CLERK

ORDER

Considering the foregoing Motion to Set Hearing on the Objections of Scott Westbrook and MedImpact Health Care Systems, Inc. to the Receiver's Recommendation that Their Claims be Denied and Disallowed filed by the Receiver for AmCare Health Plans of Louisiana, Inc. In Liquidation:

IT IS ORDERED that Scott Westbrook and MedImpact Health Systems, Inc. and all interested persons appear and show cause on the 6 day of Feb., 2012 at 1:00 PM a.m.

why the Receiver's recommendation as to the claims of Scott Westbrook and the claims of MedImpact Health Systems, Inc. that said claims should be denied and disallowed should not be approved by this Court and said claims denied and disallowed in their entirety.

Baton Rouge, Louisiana, this 3 day of Jan, 2012

James Clark
JUDGE, DIVISION D

PLEASE SERVE:

Scott Westbrook ✓
at his last known address
7777 Hennessy Boulevard
Suite 1004
Baton Rouge, LA 70808
and
through his attorney of record
J. Wendell Clark ✓
Long Law Firm
4041 Essen Lane, Suite 500
Baton Rouge, LA 70809

MedImpact Health Systems, Inc.
through the attorney of record
by Long Arm Service to:
Kenneth N. Russak
Pillsbury Winthrop Shaw Pittman
725 S. Figueroa Street
Suite 2800
Los Angeles, California 90017

and through the
Louisiana Secretary of State

and to
Nancy Sexton
c/o Med Impact Health Systems, Inc.
10680 Treena Street
San Diego, CA 92131

**CERTIFIED
TRUE COPY**

JAN 18 2012

BY James Clark

DEPUTY CLERK